

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

BALTIMORE COUNTY BRANCH OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
et al.,

Plaintiffs,

v.

BALTIMORE COUNTY, MARYLAND,
et al.,

Defendants.

Civil Action No. 1:21-cv-03232-LKG

**NOTICE REGARDING PLAINTIFFS' RESPONSE TO DEFENDANT
BALTIMORE COUNTY'S SUPPLEMENTAL DECLARATIONS**

On March 22, 2022, pursuant to the Court's request that Defendant Baltimore County, Maryland submit additional evidence showing that Baltimore County Council District 2 is a crossover or coalition district, Baltimore County submitted a Notice of Filing of Additional Supplemental Declarations of District 2 Council Member Izzy Patoka and Dr. James Gimpel, PhD. ECF 74. On March 23, 2022, Plaintiffs filed a Response to Defendant Baltimore County's Supplemental Declarations. ECF 75. This Notice briefly addresses two discrete issues: (1) Ms. Cheryl Pasteur's election was not uncontested when she won her seat to the Baltimore County Board of Education in 2018 and (2) Plaintiffs' expert, Dr. Matt Barreto, used incorrect data in his Fifth Declaration.

First, despite Plaintiffs' insistence, Ms. Pasteur did not run "uncontested" in 2018. She had an opponent, Mr. Anthony Glasser, who provided his background, positions, and platforms to potential voters. *See* Northwest Chamber of Commerce, [Meet the Candidates – Baltimore County](#),

District 2, <https://nwvoicenews.com/wp-content/uploads/2018/09/NWV-September2018.pdf> (last visited March 24, 2022). He also participated in the Northwest Voice’s 2018 Candidates Political Forum. See <https://northwestchambermd.com/meet-the-candidates-baltimore-county-district-2/> at 5 (last visited March 24, 2022).

In addition, attached to Plaintiffs’ Response was the Fifth Declaration of Matt Barreto, PhD. ECF 75-1. In that Declaration, Dr. Barreto asserts, “according to the U.S. Census Bureau, 37% of Hispanic adults are not citizens, therefore reducing their share of voters.” *Id.* at ¶ 10. The citation provided in a footnote for this figure is to the 2020 American Community Survey 5-Year Estimates for Citizenship Status (Hispanic or Latino) for Baltimore **City**, Maryland,¹ not Baltimore **County**, and thus, should be disregarded.² See *id.* at ¶ 10 n. 1. Furthermore, the very same source that Dr. Barreto cites indicates that only 34% of Hispanic adults in Baltimore County are not citizens.³ That is an 8% drop from Plaintiffs’ and Mr. Cooper’s previous claim that the Latinx non-citizenship rate in Baltimore County was 42%. ECF 60-1, 3rd Cooper Decl. ¶ 3.

WHEREFORE, Defendant Baltimore County, Maryland, respectfully submits this Notice Regarding Plaintiffs’ Response to Defendant Baltimore County’s Supplemental Declarations.

Dated: March 24, 2022

Respectfully submitted,

/s/ Melissa O. Martinez

Ava E. Lias-Booker (Fed. Bar No. 05022)

Melissa O. Martinez (Fed. Bar No. 28975)

¹<https://data.census.gov/cedsci/table?q=B050031%3A%20SEX%20BY%20AGE%20BY%20NATIVITY%20AND%20CITIZENSHIP%20STATUS%20%28HISPANIC%20OR%20LATINO%29&g=0500000US24510>.

² This mix-up further illustrates Dr. Barreto’s, and Plaintiffs’ experts’ generally, lack of knowledge of and familiarity with the relevant communities at issue in this case.

³<https://data.census.gov/cedsci/table?q=B050031%3A%20SEX%20BY%20AGE%20BY%20NATIVITY%20AND%20CITIZENSHIP%20STATUS%20%28HISPANIC%20OR%20LATINO%29&g=0500000US24005>.

McGUIREWOODS LLP

500 E. Pratt Street, Suite 1000
Baltimore, Maryland 21202-3169
(410) 659-4400
(410) 659-4599 Fax
alias-booker@mcguirewoods.com
mmartinez@mcguirewoods.com
Kathryn M. Barber (Admitted *Pro Hac Vice*)

McGUIREWOODS LLP

Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
(804) 775-1000
(804) 775-1061 Fax
kbarber@mcguirewoods.com

***Counsel for Defendant Baltimore County,
Maryland***

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 2022, a copy of the foregoing Notice Regarding Plaintiffs' Response to Defendant Baltimore County's Supplemental Declarations was served via the Court's CM/ECF system upon all counsel of record.

/s/ Melissa O. Martinez

Melissa O. Martinez